

**Senate Bill No. 1197**

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Passed the Senate May 30, 2006

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*Secretary of the Senate*

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Passed the Assembly August 23, 2006

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 215, 9202, and 19202 of the Probate Code, relating to decedents.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1197, Soto. Notice of decedent's death.

Existing law requires in cases where a deceased person has received or may have received certain state-provided health care benefits, or was the surviving spouse of a person who received that health care, the estate attorney, the beneficiary, the personal representative, or the person in possession of the decedent's property to give the Director of Health Services notice of the decedent's death not later than 90 days after the date of death.

This bill would specify that the Director of Health Services has 4 months after notice is given in which to file or give notice of a claim.

*The people of the State of California do enact as follows:*

SECTION 1. Section 215 of the Probate Code is amended to read:

215. (a) Where a deceased person has received or may have received health care under Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions Code, or was the surviving spouse of a person who received that health care, the estate attorney, or if there is no estate attorney, the beneficiary, the personal representative, or the person in possession of property of the decedent shall give the Director of Health Services notice of the decedent's death not later than 90 days after the date of death. The notice shall include a copy of the decedent's death certificate. The notice shall be addressed to the director at the Sacramento office of the director. The director has four months after notice is given in which to file a claim or to give notice of the department's claim to the person who gave notice of the death of the decedent. All notices in this section shall be given as provided in Section 1215.

(b) If notice to the Department of Health Services is required under Section 9202 or 19202, no additional notice under this section shall be required.

SEC. 2. Section 9202 of the Probate Code is amended to read:

9202. (a) Not later than 90 days after the date letters are first issued to a general personal representative, the general personal representative or estate attorney shall give the Director of Health Services notice of the decedent's death in the manner provided in Section 215 if the general personal representative knows or has reason to believe that the decedent received health care under Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions Code, or was the surviving spouse of a person who received that health care. The director has four months after notice is given in which to file a claim or to give notice of the department's claim to the person who gave notice of the death of the decedent.

(b) Not later than 90 days after the date letters are first issued to a general personal representative, the general personal representative or estate attorney shall give the Director of the California Victim Compensation and Government Claims Board notice of the decedent's death in the manner provided in Section 216 if the general personal representative or estate attorney knows or has reason to believe that an heir is confined in a prison or facility under the jurisdiction of the Department of Corrections or the Department of the Youth Authority or confined in any county or city jail, road camp, industrial farm, or other local correctional facility. The director of the board shall have four months after that notice is received in which to pursue collection of any outstanding restitution fines or orders.

SEC. 3. Section 19202 of the Probate Code is amended to read:

19202. (a) If the trustee knows or has reason to believe that the deceased settlor received health care under Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions Code, the trustee shall give the State Director of Health Services notice of the deceased settlor's death in the manner provided in Section 215.

(b) The director has four months after notice is given in which to file a claim or to give notice of the department's claim to the person who gave notice of the death of the decedent.







Approved \_\_\_\_\_, 2006

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*Governor*